

EXHIBIT 115

REDACTED

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

THE STATE OF TEXAS, et)
al.,)
) Case No.
Plaintiffs,) 4:20-cv-00957-SDJ
)
vs.) Hon. Sean D. Jordan
)
GOOGLE LLC,)
)
Defendants.)

FRIDAY, APRIL 12, 2024

CONFIDENTIAL - PURSUANT TO PROTECTIVE ORDER

- - -

Remote videotaped deposition of
Google LLC 30(b)(6) designee [REDACTED],
held at the location of the witness in
Teaneck, New Jersey, commencing at 8:33 a.m.
Eastern, on the above date, before Carrie A.
Campbell, Registered Diplomate Reporter,
Certified Realtime Reporter, Illinois,
California & Texas Certified Shorthand
Reporter, Missouri, Kansas, Louisiana & New
Jersey Certified Court Reporter.

- - -

Job No. MDLG6644294

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15 JONATHAN JAFFE, consultant
16 RAY MOORE, trial technician, Precision
Trial Solutions

V I D E O G R A P H E R :

19 DAVID LANE,
20 Golkow Litigation Services

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1 VIDEOGRAPHER: We're now or not
2 record. My name is David Lane,
3 videographer for Golkow Litigation
4 Services.

5 Today's date is April 12, 2024.
6 Our time on the record is 8:33 a.m.
7 Eastern Standard Time.

8 This remote video deposition is
9 being held in the matter of the State
10 of Texas, et al., versus Google, LLC.

11 Our deponent today is [REDACTED]
12 [REDACTED]

13 All parties to this deposition
14 are appearing remotely and have agreed
15 to the witness being sworn in
16 remotely.

17 Due to the nature of remote
18 reporting, please pause briefly before
19 speaking to ensure all parties are
20 heard completely.

21 Our counsel will be noted on
22 the stenographic record.

23 Court reporter today is Carrie
24 Campbell, who will now swear in our
25 witness.

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1 YONI WILBUR,
2 of lawful age, having been first duly sworn
3 to tell the truth, the whole truth and
4 nothing but the truth, deposes and says on
5 behalf of the Plaintiffs, as follows:

6
7 VIDEOGRAPHER: Please begin.

8 MS. YOUNG: Do you need us, the
9 record -- or the counsel to state our
10 names on the record?

11 No.

12
13 DIRECT EXAMINATION

14 QUESTIONS BY MS. YOUNG:

15 Q. Okay. Good morning,

16 [REDACTED].

17 Can you please state your full
18 name for us?

19 A. Sure. It's [REDACTED].

20 Q. Is there anything impairing
21 your ability to give truthful, accurate
22 testimony today?

23 A. No.

24 Q. And you understand we're taking
25 a deposition remotely.

1 testified to, the number of publishers
2 associated with those networks would be close
3 to around [REDACTED] as well?

4 A. Yes.

5 Q. And in looking further on in
6 this sentence where you talk about leading
7 recontracting efforts with respect to these
8 approximately [REDACTED], your
9 role also included managing termination of
10 those partners who were not recontracted.

11 Is that correct?

12 A. Yes.

13 Q. And those partners were not
14 recontracted because they did not want to
15 sign a new contract with a Google Ad Manager
16 product.

17 Is that correct?

18 MS. ELMER: Object to form.

19 THE WITNESS: Those partners
20 were terminated because they did not
21 sign a unified contract, yes.

22 QUESTIONS BY MS. YOUNG:

23 Q. And they did not want to sign a
24 unified contract because they did not want to
25 sign a contract including DFP?

1 MS. ELMER: Object to form.

2 QUESTIONS BY MS. YOUNG:

3 Q. Is that correct?

4 MS. ELMER: Same objection.

5 THE WITNESS: I cannot
6 speculate on why a partner would not
7 have wanted to sign a contract.

8 QUESTIONS BY MS. YOUNG:

9 Q. Stepping back, a partner didn't
10 have an option to keep their AdX only
11 contract.

12 Is that correct?

13 A. Correct.

14 Q. They did not have an option to
15 not go through the recontracting process?

16 MS. ELMER: Object. Object to
17 form.

18 THE WITNESS: Well, they did
19 have an option. They could have
20 chosen not to recontract if they
21 didn't -- if they didn't want to.

22 QUESTIONS BY MS. YOUNG:

23 Q. Their options were limited to
24 either recontracting or no contract at all?

25 A. Those are the two options, yes.

1 Q. Partners or customers of Google
2 were not provided any other choices beyond
3 those two that were just discussed?

4 A. Those are the two choices, yes.

5 Q. Do you know how many partners
6 were terminated as a result of this
7 recontracting effort?

8 A. I do not.

9 Q. Do you know how many networks
10 were terminated as a result of this
11 recontracting effort that you led?

12 A. I do not.

13 Q. If we look at the next
14 sentence, it says, [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

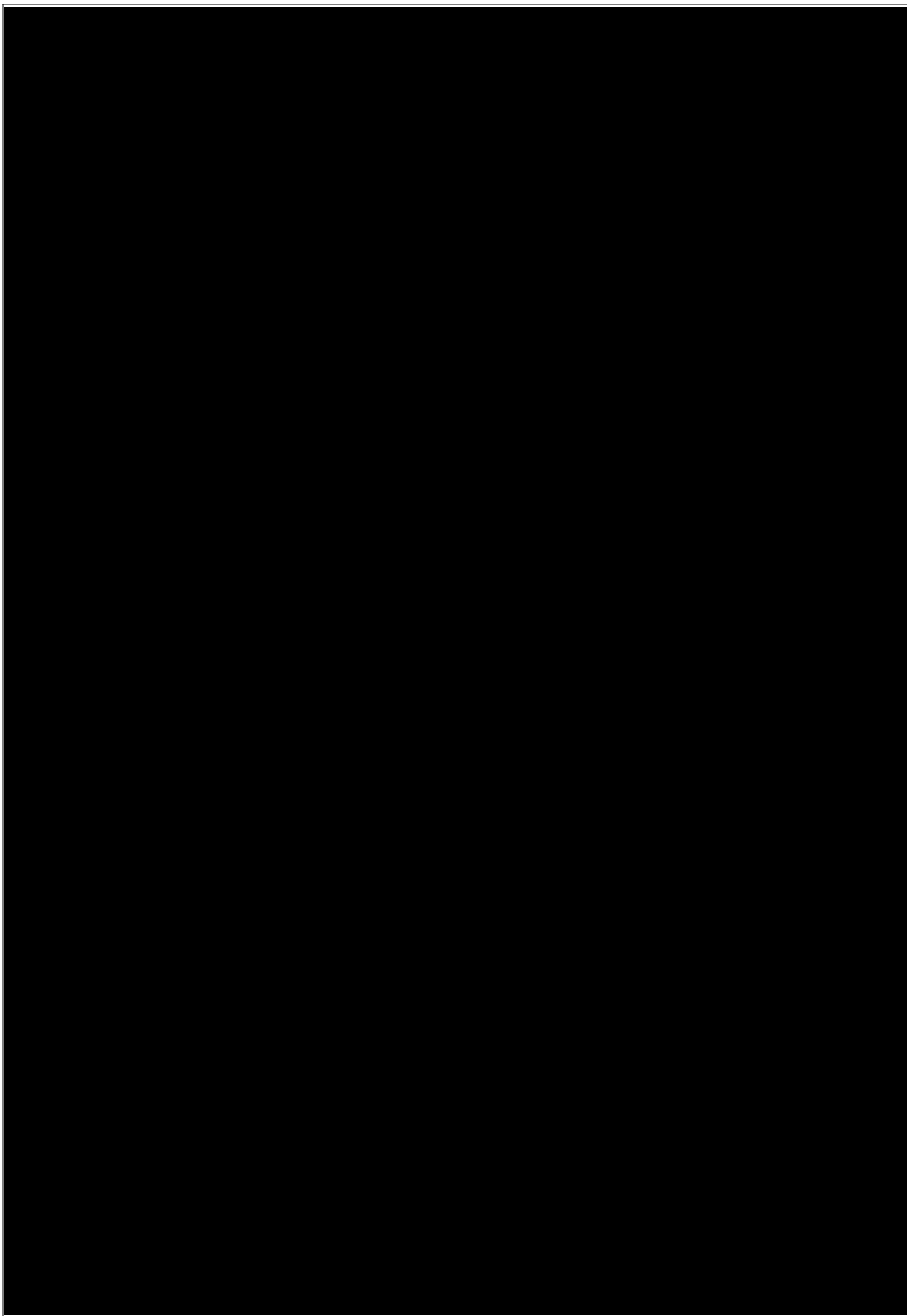
18 Did I read that correctly?

19 A. Yes.

20 Q. And does that again accurately
21 reflect your role in the recontracting
22 effort?

23 A. I wouldn't have done the direct
24 customer outreach, but I would have -- I
25 would have provided sales with the tool to do

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1 QUESTIONS BY MS. YOUNG:

2 Q. It was a priority of Google's
3 to [REDACTED]

5 MS. ELMER: Object to form.

6 THE WITNESS: I would -- I
7 think a better way to say it is it was
8 a priority of Google to give partners
9 a choice.

10 QUESTIONS BY MS. YOUNG:

11 Q. But it's correct that Google
12 only gave partners two choices.

13 Correct?

14 A. Yes, correct.

15 Q. And those two choices were to
16 recontract, or sign a new contract, or be
17 terminated.

18 Correct?

19 A. That was the decision of the
20 business, yes.

21 Q. And the partners did not have a
22 choice on their participation in this
23 recontracting process?

24 MS. ELMER: Object to form.

25 THE WITNESS: We were -- the

1 business made the decision to unify
2 the two -- the -- to unify DFP and
3 AdX, and partners were given a choice
4 to either -- to recontract on the new
5 platform or to no longer use the
6 product.

7 QUESTIONS BY MS. YOUNG:

8 Q. The decision to unify the two
9 contracts, that was solely a Google decision.

10 Correct?

11 A. Correct.

12 Q. Partners or customers had no
13 choice with respect to that aspect, the
14 unification of the two products?

15 A. The unification was a business
16 decision by Google, but partners always have
17 a choice.

18 Q. Between -- and that choice is
19 limited, right, between recontracting or
20 being terminated?

21 MS. ELMER: Object to form.

22 THE WITNESS: Again, those
23 are -- those are two choices, yes,
24 that a partner would have.

1 QUESTIONS BY MS. YOUNG:

2 Q. We will get into this with the
3 contracts, but the partners who were
4 terminated were terminated before their
5 contracts were expired.

6 Correct?

7 MS. ELMER: Object to form.

8 THE WITNESS: Sorry, could
9 you -- could you -- could you say that
10 again?

11 QUESTIONS BY MS. YOUNG:

12 Q. The partners who were
13 terminated as part of this recontracting
14 effort that you led, they were terminated
15 before their contracts expired.

16 Correct?

17 MS. ELMER: Object to form.

18 THE WITNESS: No.

19 QUESTIONS BY MS. YOUNG:

20 Q. They were not terminated before
21 their contracts expired?

22 A. All our -- I believe the -- no,
23 I would say not.

24 Q. So this recontracting only
25 occurred when the contract was up to expire?

1 MS. ELMER: Object to form.

2 THE WITNESS: I'm sorry, was
3 there a question?

4 QUESTIONS BY MS. YOUNG:

5 Q. Yeah.

6 So I -- you answered that there
7 is a way to further investigate the number of
8 publishers on GAM throughout the years.

9 Do you recall that?

10 A. Yes.

11 Q. And I asked you, the relevant
12 years, based on the documents we've seen
13 today, mean starting in late 2017 to the
14 present with respect to GAM.

15 Right?

16 MS. ELMER: I'm going to object
17 to the form to the extent that you're
18 asking the witness what is relevant.

19 But you may answer.

20 THE WITNESS: I would need to
21 do further investigation to confirm
22 what years would be relevant.

23 QUESTIONS BY MS. YOUNG:

24 Q. Well, GAM has been in existence
25 since 2017 and 2018.

1 Correct?

2 A. GAM -- can you -- can you
3 repeat that? Sorry.

4 Q. GAM has been in existence since
5 2017 and 2018.

6 Correct?

7 A. Are you referring to when we
8 rebranded as GAM or when we --

9 Q. Actually, that's -- yeah. So
10 DRX has been in existence since when?

11 A. I would -- that's what I would
12 need to confirm, when we -- when we started
13 moving partners onto the unified product.

14 Q. And when you started moving
15 partners onto the unified product would be
16 the start of the time on which we could
17 measure how many publishers were on that
18 product.

19 Correct?

20 MS. ELMER: Object to form.

21 THE WITNESS: Could you repeat
22 the question? Sorry.

23 QUESTIONS BY MS. YOUNG:

24 Q. Yeah.

25 Look, we talked today about

1 unified contracts. We saw some starting in
2 2016, and as this letter confirms and as
3 documents show, they go through the present.

4 Correct?

5 A. Correct.

6 Q. So further investigation within
7 Google could provide us the number of
8 publishers with each -- with those contracts
9 in each of those years from 2016 to the
10 present.

11 Correct?

12 MS. ELMER: Object to form.

13 Assumes facts.

14 You may answer.

15 THE WITNESS: Again, I don't
16 know specifically when we start --
17 when we started having a unified
18 product, so I would need to look into
19 that.

20 But once I found out that
21 information, I could get the number of
22 networks for you.

23 QUESTIONS BY MS. YOUNG:

24 Q. And then from the network
25 number, further investigation could also

1 determine the number of publishers.

2 Correct?

3 A. Correct.

4 Q. And you discussed tests and
5 internal networks.

6 Correct?

7 A. Yes.

8 Q. Those could be filtered or
9 excluded, could they not?

10 A. Potentially, if they were
11 appropriately marked.

12 Q. This [REDACTED] number and the
13 other numbers in this letter, are those data
14 figures you received [REDACTED]
15 [REDACTED]?

16 A. That [REDACTED] number is not a
17 number I received over chat.

18 Q. Do you know the origin of that
19 number?

20 A. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]